

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JAMAU DELK,

Plaintiff,

v.

RICHARD WATSON, PHILLIP
MCLAURIN and UNKNOWN PARTY,

Defendant.

Case No. 15-cv-1256-JPG-DGW

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 29) of Magistrate Judge Donald G. Wilkerson recommending that the Court grant in part and find as moot in part the defendant Richard Watson’s motion for judgment on the pleadings or, in the alternative, for summary judgment (Doc. 19), and dismiss this action in its entirety for plaintiff Jamau Delk’s failure to prosecute.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the Report. The Court has reviewed the entire file and finds that the Report is not clearly erroneous. Accordingly, the Court hereby:

- **ADOPTS** the Report in its entirety (Doc. 29);
- **GRANTS in part** and **DENIES as moot in part** Watson’s motion for judgment on the pleadings or, in the alternative, for summary judgment (Doc. 19);

- **DISMISSES** this case **without prejudice** pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and, alternatively, because Delk's claim for injunctive relief is moot in light of his transfer to another institution;
- **DIRECTS** the Clerk of Court to enter judgment accordingly; and
- **DIRECTS** the Clerk of Court to send a copy of this order and the judgment in this case to Jamau Delk, #Y13093, Menard Correctional Center, P.O. Box 1000, Menard, IL 62259.

IT IS SO ORDERED.

DATED: January 9, 2017

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE